# MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING APRIL 18, 2008 SEA TRAIL 211 CLUB HOUSE ROAD SUNSET BEACH, NC 28468

**BOARD MEMBER PRESENT** 

James Stevens Berkley Blanks David Grimes David Pendry

Brenda Bishop Ron Burris Bill Booth

Mack Donaldson Steve Johnson

Richard Allen

**BOARD MEMBER ABSENT** 

Richard Jenkins

Jimmy Ashe Sally Pleasant

### **STAFF PRESENT**

Terry Wright B Director Charles McDarris B Attorney
Larry Liggins B Field Services Supervisor Joyce McClure - Board Secretary
Lisa Britton - Investigator Susan Harrison B Licensing Assistant
Phillip Stephenson B Investigator
Tim Pressley B Training Officer

### **GUEST PRESENT**

Scott Siano Larry Flannery Monty Clark

Bill Dover Sybil Richards Jeff Kiker Leroy Everhart Tim McIntyre Tom Rose Henry Hickey Brad Smith Larry Daniel Rick Eatmon Bob Forsythe Audra Coleman Michael Grissom Leslie Denton Larry Upchurch Gerald Rounbehier Grady W. Conner Paul Scott Barbara Rounbehier Scott Smithers Steve Almey Dorian Dehrec Fred McKinnev Bill Lang John Corcoran

Chairman Blanks called the April 18, 2008 Private Protective Services Board meeting to order at 9:05 a.m. Mr. Blanks welcomed all guest and requested they introduce themselves. Mr. Blanks requested all phones and pages be turned off during the meeting.

Attorney Charles McDarris explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

### **GOOD OF THE ORDER:**

Mr. Monty Clark B President NCAPI, spoke of the new newsletter produced by NCAPI. Mr. Clark invited all board members and guests to attend their Conference and training seminars currently being held at Sea Trail from April 17<sup>th</sup> to 19<sup>th</sup>.

### **APPROVAL OF THE FEBRUARY 18, 2008 MEETING MINUTES:**

MOTION BY MR. STEVENS TO APPROVE THE MINUTES AS PRESENTED. SECONDED BY MR. GRIMES MOTION CARRIED.

### **SCREENING COMMITTEE REPORT:**

Mr. Allen reported the Screening Committee met on Thursday April 17, 2008 from 8:00 a.m. until 12:00 p.m. to review a total of 93 applications with 9 denials and 6 deferred. The remainder of the applications were approved (see report). Committee members were, Mr. Allen, Mr. Pendry, Mrs. Bishop and Mr. Blanks. Mr. Allen read the report for the record.

MOTION TO ACCEPT THE SCREENING COMMITTEE REPORT BY MR. PENDRY. SECONDED BY MR. GRIMES, MOTION CARRIED.

Mr. Allen presented the following registration report for the period of 2/19/08 through 4/14/08. Total registrations 3,428; armed totals were 613 of which 202 were new, 379 were renewals, and 32 reissue/dual. Unarmed totals were 2,813 which include 1,242 new, 1,449 renewals, 115 transfer and 7 duplicates. Total denials 807 of which 74 for cause and 733 for correctable. There were 870 applications approved which were previously denied for a total of 1,377 denials reviewed.

Mr. Wright reported the following from Screening, Greg Martin, Matthew Goodman, Lannie Newsome, John Powell Sr. and a request to amend the Polygraph rules were all deferred to the June Board Meeting. Mack Donaldson recused himself from the American Security Programs, Inc. licensing issue. The committee also recommended that Tim McIntyre of Global Security and Information be audited to determine compliance with the insurance requirements.

MOTION BY MR. PENDRY TO ACCEPT THE REGISTRATION REPORT AND MR. WRIGHT=S REPORT. SECONDED BY MR. GRIMES. MOTION CARRIED.

### **GRIEVANCE COMMITTEE REPORT:**

Mr. Grimes reported the committee met on Wednesday April 16, 2008 from 9:00 a.m. until 12:15 p.m. and from 1:15 p.m. until 3:00 p.m. to hear a total of ten cases. The committee members were Mr. Grimes, Mr. Stevens and Mr. Donaldson. Mr. Grimes presented the attached report. (see attachment)

Mack Donaldson recused himself from the Gerard Person Complaint.

Mr. Stevens presented the report on the April 8, 2008 Special Grievance Committee Meeting regarding the case filed against David Finn.

MOTION BY MR. ALLEN TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MRS. BISHOP, MOTION CARRIED.

### FINAL AGENCY DECISIONS:

Attorney McDarris removed himself as Attorney for the Board and presented the following cases. All parties had been properly noticed of this meeting.

Case number 07-CVS-9991 David Keith Shelton vs PPS Board. Mr. Shelton was not present. This case was the denial of Mr. Shelton=s application for a full Private Investigator License for lack of verifiable experience. Mr. Burris requested a summary of the case and that all documents be provided to the Board for review. It was noted

that the log which Mr. Shelton based his experience was not introduced into the record. The Board requested that those logs be provided and included into the record.

# MOTION BY MR. ALLEN TO DEFER UNTIL THE BOARD HAS AMPLE TIME TO EXPLORE THE DOCUMENTS. SECONDED BY MR. STEVENS. MOTION CARRIED.

Case number 07-DOJ-1257 Tim McIntyre vs PPS Board. Mr. McIntyre and his Attorney David Ferrell were both present. The cases 05-PPS-043 and 05-PPS-073 were consolidated. Judge Fred G. Morrison proposed that the PPS Board reconsider its initial decision(s) regarding the Letter of Reprimand and the Civil Penalty. Mr. Johnson requested the contracts. Mr. McDarris discovered that the Office of Administrative Hearings had not included the exhibits as required for the official record.

Mr. Grimes and Mr. Allen recused themselves because they had participated in the Grievance hearing.

### MOTION BY MR. JOHNSON TO DEFER TO THE JUNE MEETING. SECONDED BY MR. BURRIS. MOTION CARRIED

Mr. McDarris returned as Attorney for the Board.

### TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday April 17, 2008 from 1:00 p.m. until 3:10 p.m. The committee members were Mr. Stevens, Mr. Johnson, Mr. Booth, Mr. Grimes and Mr. Allen.

Mr. Stevens gave Mr. Pressley-s report. The following classes are scheduled: Summer 2008 Unarmed Guard Trainer at WTCC October, 2008 Firearms Trainer Recertification at NCJA September, 2008 Firearms Trainer Certification at NCJA

The following PPS trainer courses have been completed: February, 2008 Unarmed Guard Trainer at WTCC April, 2008 Unarmed Guard Trainer at WTCC April, 2008 Firearms Trainer Re-certification at NCJA

Mr. Stevens advised that a request was received for approval for a 60 hour voice stress course from the National Institute for Truth Verification course. The committee reviewed the course and recommends that it be approved by the Board.

Mr. Pressley reviewed the Security Forces, Inc. training facilities and made recommendations. The Committee voted to approve the SFI Interactive training with the addition of some recommendations by Mr. Pressley. Those recommendations were that SFI put @Deportment@back into the training as a one hour block and teach all of their subjects either before or after the 16 hours of PPS unarmed guard training.

There was a discussion of the firearms discharges in the past year. It was recommended that there be a move forward to draft rule changes for the discharge incidents.

Mr. Brad Smith, Chairman of the Alarm Board gave a presentation for Continuing Education Courses. Mr. Smith provided an overview of the Alarm Systems Licensing Board continuing education process. The committee decided to schedule a meeting prior to the June Board meeting to further discuss this issue.

MOTION BY MR. BOOTH TO ACCEPT THE TRAINING COURSE FOR VOICE STRESS. SECONDED BY MR. GRIMES. MOTION CARRIED.

MOTION BY MR. ALLEN TO ACCEPT THE SFI TRAINING PROGRAM WITH MINOR MODIFICATIONS BY MR. PRESSLEY. SECONDED BY MR. BOOTH. MOTION CARRIED.

MOTION BY MR. ALLEN TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT. SECONDED BY MR. JOHNSON. MOTION CARRIED.

Mr. Clark re-iterated that NCAPI wants to work with the Board on the Continuing Education Committee.

FINANCE COMMITTEE REPORT - NONE

<u>GRIEVANCE COMMITTEE REPORT</u> - NONE

**SCREENING COMMITTEE REPORT - NONE** 

### 74C RE-WRITE COMMITTEE:

Mr. Burris advised the committee met on Thursday April 17, 2008 from 4:00 PM to 5:10 PM. Mr. Burris stated that this was the last public comment session as there have been open meetings on both sides of the state and in Raleigh.

Mr. Burris advised the following items have been added to the list:

- 1. Availability of armed trainers and the resources to locate them
- 2. Mr. Todd Stewart was there to address issues with the Event Staffing Industry.
- 3. Mr. Doug White discussed Computer Forensics licensing.
- 4. The use of deadly force by security personnel.
- 5. Regulation of Tasers.
- 6. Annual re-qualification periods to change for nuclear plant personnel.
- Mr. Burris stated the first step was to establish a working model. He will work with Mr. Wright and Mr. McDarris to get started on a format.

There was also discussion regarding the time frame that the firearms training certificate is valid after the applicant has completed the firearms course.

# MOTION BY MR. JOHNSON TO CHANGE THE LANGUAGE FOR ARMED RENEWALS 12 NCAC 07D .0807(d) FROM 90 DAYS TO 180 DAYS. SECONDED BY MR. BOOTH. MOTION CARRIED

There was also discussion regarding the suspension of an armed registration for firearms discharges pending the outcome of an investigation.

Mr. McDarris provided an overview of the potential format for the Board regarding the summary suspension of an armed permit. Mr. McDarris stated that the Director of PPS has the authority to issue a summary suspension of an armed permit. There will then be a notice of hearing before the Discharge Committee within 10 days. The committee will review the facts to see if the discharge was justified or not justified, then recommend action. The committee must have the authority to enforce actions.

MOTION BY MR. STEVENS TO PURSUE A RULE THAT WOULD ALLOW FOR SUMMARY SUSPENSION FOR A FIREARM DISCHARGE. SECONDED BY MR JOHNSON. MOTION CARRIED.

MOTION BY MR. BOOTH TO ACCEPT THE COMMITTEE REPORT. SECONDED BY MR. GRIMES. MOTION CARRIED.

### **DIGITAL FORENSICS COMMITTEE:**

Mr. Booth reported that there was a meeting on April 16, 2008 from 4:05 PM to 4:50 PM. Committee members were Mr. Booth and Mrs. Bishop. Mr. Booth

stated this was the last of the public forums and the committee has received input from representatives from eight other states. There were speakers from Rhode Island, Massachusetts, and the Secret Service expressing their views regarding the licensing of digital forensics personnel. Mr. Booth asked the Chairman to appoint two new committee members. The new committee members are Mr. Johnson and Mr. Blanks.

### MOTION BY MR. JOHNSON TO ACCEPT THE COMMITTEE REPORT. SECONDED BY MR. PENDRY. MOTION CARRIED.

11:15 AM Break 11:30 AM Reconvened

### **OLD BUSINESS**:

Mr. Booth requested that the Computer Forensics Subcommittee be renamed the Digital Forensics Subcommittee.

MOTION BY MR. BOOTH TO ACCEPT. SECONDED BY MR. GRIMES. MOTION CARRIED.

Mr. Donaldson reported that the Out of State Criminal Record Checks committee had not yet met but would soon. Mrs. Pleasant requested to be removed from the committee due.

# MOTION BY MR. BLANKS TO GO INTO CLOSED SESSION PURSUANT TO G.S. 143-318.11 TO CONSULT WITH LEGAL COUNSEL. SECONDED BY MR. GRIMES.

1:40 AM Closed Session 11:45 AM Reconvened

Mr. Grimes addressed the proposal of hiring outside counsel to provide guidance on the Board-s attempt to recover funds that were previously taken by the Governor. Mr. Grimes, Mr. Wright, Mr. McDarris and Mr. Blanks met with representatives of the Attorney General-s Office to discuss this issue. The decision was made to try to recover the funds administratively through the State Budget office. The current plan is to request the return of approximately \$200,000 per year from overages in the State Budget.

#### **NEW BUSINESS:**

After several Board members had expressed their pleasure with the meeting place, Mr. Wright advised that if they were interested in returning in April 2009 that they should consider voting on the dates today so that we could reserve the requested date. Mr. Wright did advise that the dates that were currently available in April 2009, were April 14 - 16 and the hotel would extend state rates three days prior and three days post meeting.

MOTION BY MR. GRIMES TO ACCEPT. SECONDED BY MR. BOOTH. MOTION CARRIED.

### **DIRECTOR=S REPORT:**

Mr. Wright presented his written report. The budget as of 03/01/08 is \$333,039.50 and the recovery fund is \$80,911.79. As of 12/11/07 we have a total of 12,269 PPS registered personnel, 1,532 licenses, 584 certifications for a total of 14,385 for PPS.

Mr. Wright advised all Board members that included in their packets were the most up to date copies of 74C and the administrative rules.

MOTION TO ACCEPT THE DIRECTOR: S REPORT BY MR. STEVENS. SECONDED BY MR. GRIMES. MOTION CARRIED.

### **ATTORNEY=S REPORT:**

Attorney McDarris presented his report.

#### CONSENT AGREEMENTS AND CIVIL PENALTIES

Item #9 Anthony Henderson should be \$4,998.00 corrected from \$5,034.00.

Item #3 Henry Harrison has not fully paid his Consent

Item #5 Boris Barrett has not fully paid his Consent

Item #6 John Callicutt has not fully paid his Consent

Mr. McDarris stated that they should be referred back to the appropriate committees.

MOTION BY MR. BOOTH TO REFER THEM BACK TO THE APPROPRIATE COMMITTEES. SECONDED BY MR. GRIMES. MOTION CARRIED.

OFFICE OF ADMINISTRATIVE HEARINGS:

See attached report.

### RULES:

Mr. McDarris presented the following rules and requested clarification as to whether the Board=s previous request was to remove the ten year time limit to count experience for all theses rules: 12 NCAC 7D.0301,.0302,.0401..0402,.0501,.1201.

# MOTION BY MR. PENDRY TO GO FORWARD WITH THE RULE CHANGE TO ELIMINATE THE TEN YEAR REQUIREMENT ON THE ABOVE RULES. SECONDED BY MR. STEVENS. MOTION CARRIED.

12 NCAC 7D.0203 **B** the staff recommends a technical correction to the renewal provision to allow criminal record checks to be provided by the appropriate governmental authorities.

# MOTION BY MRS. BISHOP TO ACCEPT AND TO FILE THE RULE WITH THE OFFICE OF ADMINISTRATIVE HEARINGS. SECONDED BY MR. PENDRY. MOTION CARRIED.

12 NCAC 7D.0806 B Need to amend the rule to reflect all armed guards must be a minimum of 21 years of age.

# MOTION BY MR. GRIMES TO ACCEPT AND TO FILE THE RULE WITH THE OFFICE OF ADMINISTRATIVE HEARINGS. SECONDED BY MRS. BISHOP. MOTION CARRIED.

Mr. McDarris reported that rule 12 NCAC 7D.0806 B as well as other rules in the .0800 section states armed security guard firearms permit. However, the statue was amended in October 2007 to recognize armed private investigator permits as well as armed guards. Staff is proposing a technical correction to all pertinent rules in the 800 section to change the armed security references to firearms registration permit.

MOTION BY MR. GRIMES TO ACCEPT AND TO FILE THE RULE WITH THE OFFICE OF ADMINISTRATIVE HEARINGS. SECONDED BY MR. JOHNSON. MOTION CARRIED.

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### MISCELLANEOUS:

We have three matters in Superior Court which are:
Kodiak Security B An injunction has been obtained for unlicensed activity.

Jason Wright B A restraining order has been obtained for unlicensed activity.

David Shelton B This case has been heard in Superior Court, Guilford County.

Brought back to the Board, heard at this meeting.

MOTION TO ACCEPT THE ATTORNEY-S REPORT BY MR. PENDRY. SECOND BY MR. ALLEN. MOTION CARRIED.

MOTION BY CHAIR TO ADJOURN. SECONDED BY MRS. BISHOP. MOTION CARRIED.

12:05 p.m. Adjourned
Terry M. Wright
Director
oyce M. McClure
Board Secretary